

LLOYD BELL, Individually and
As Executor of the Estate of BETTY
WHITLEY BELL, Deceased,

Plaintiff,

v.

AMERICAN INTERNATIONAL
INDUSTRIES, INC., et al.,

Defendants.

V.)
)
AMERICAN INTERNATIONAL)
INDUSTRIES, INC., et al.,)
)
Defendants.)

Pursuant to Local Rule 5.4, Plaintiff Lloyd Bell, individually and as executor of the estate of Betty Whitley Bell, deceased, files this Brief in Support of Plaintiff's Motion to Seal. Plaintiff is seeking to seal Plaintiff's Reply to Defendant and Third-Party Plaintiff American International Industries' Opposition to Plaintiff's Motion to Quash the Subpoena to Northwell Health, Inc. The document contains confidential, protected information.

One of the human subjects in Dr. Moline's study has been de-anonymized, allegedly in response to AII's subpoena to Northwell Health, which Plaintiff is seeking to quash. As a result,

portions of Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Quash the Subpoena to Northwell Health reveal that Betty Bell, the decedent in this case, was one of the human subjects in Dr. Moline's study – the precise information Plaintiff argues is confidential and is seeking to protect in its Motion for Protective Order. Medical research has rules to protect the privacy of human research subjects and maintain the confidentiality of data, and courts routinely protect personal identifying information about human subjects. See *Lampshire v. Procter & Gamble Co.*, 94 F.R.D. 58 (N.D. Ga. 1982); *Doe v. Am. Red Cross Blood Servs., S.C. Region*, 125 F.R.D. 646 (D.S.C. 1989). The same information should be protected and kept confidential in this case. Plaintiff has taken care to redact only the portions of the Reply that reveal confidential information regarding the identity of a human subject from Dr. Moline's peer-reviewed study.

For the reasons set forth above, Plaintiff respectfully requests that the Court grant Plaintiff's Motion to Seal and permit the filing under seal of the unredacted documents.

Dated: September 23, 2020

Respectfully submitted,

/s/Leah C. Kagan
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Local Civil Rule 83.1 Counsel

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 23, 2020, the foregoing Instrument was filed via ECF filing which will serve all counsel of record in the above-referenced matter.

/s/Leah C. Kagan
Leah C. Kagan